

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Illinois Health Benefits Exchange Act.

6 Section 3. Legislative intent. The General Assembly finds  
7 the health benefits exchanges authorized by the federal Patient  
8 Protection and Affordable Care Act represent one of a number of  
9 ways in which the State can address coverage gaps and provide  
10 individual consumers and small employers access to greater  
11 coverage options. The General Assembly also finds that the  
12 State is best-positioned to implement an exchange that is  
13 sensitive to the coverage gaps and market landscape unique to  
14 this State.

15 The purpose of this Act is to ensure that the State is  
16 making sufficient progress towards establishing an exchange  
17 within the guidelines outlined by the federal law and to  
18 protect Illinoisans from undue federal regulation. Although  
19 the federal law imposes a number of core requirements on  
20 state-level exchanges, the State has significant flexibility  
21 in the design and operation of a State exchange that make it  
22 prudent for the State to carefully analyze, plan, and prepare  
23 for the exchange. The General Assembly finds that in order for

1 the State to craft a tenable exchange that meets the  
2 fundamental goals outlined by the Patient Protection and  
3 Affordable Care Act of expanding access to affordable coverage  
4 and improving the quality of care, the implementation process  
5 should (1) provide for broad stakeholder representation; (2)  
6 foster a robust and competitive marketplace, both inside and  
7 outside of the exchange; and (3) provide for a broad-based  
8 approach to the fiscal solvency of the exchange.

9 Section 5. State health benefits exchange. It is declared  
10 that this State, beginning January 1, 2014, in accordance with  
11 Section 1311 of the federal Patient Protection and Affordable  
12 Care Act, shall establish a State health benefits exchange to  
13 be known as the Illinois Health Benefits Exchange in order to  
14 help individuals and small employers with no more than 50  
15 employees shop for, select, and enroll in qualified, affordable  
16 private health plans that fit their needs at competitive  
17 prices. The Exchange shall separate coverage pools for  
18 individuals and small employers and shall supplement and not  
19 supplant any existing private health insurance market for  
20 individuals and small employers.

21 Section 10. Exchange functions. The Illinois Health  
22 Benefits Exchange shall meet the core functions identified by  
23 Section 1311 of the Patient Protection and Affordable Care Act  
24 and subsequent federal guidance and regulations.

1           Section 15. Illinois Health Benefits Exchange Legislative  
2 Study Committee.

3           (a) There is created an Illinois Health Benefits Exchange  
4 Legislative Study Committee within the Commission on  
5 Government Forecasting and Accountability to conduct a study  
6 regarding State implementation and establishment of the  
7 Illinois Health Benefits Exchange.

8           (b) Members of the Legislative Study Committee shall be  
9 appointed as follows: 3 members of the Senate shall be  
10 appointed by the President of the Senate; 3 members of the  
11 Senate shall be appointed by the Minority Leader of the Senate;  
12 3 members of the House of Representatives shall be appointed by  
13 the Speaker of the House of Representatives; and 3 members of  
14 the House of Representatives shall be appointed by the Minority  
15 Leader of the House of Representatives. Each legislative leader  
16 shall select one member to serve as co-chair of the committee.

17           (c) Members of the Legislative Study Committee shall be  
18 appointed within 30 days after the effective date of this Act.  
19 The co-chairs shall convene the first meeting of the committee  
20 no later than 45 days after the effective date of this Act.

21           Section 20. Committee study. No later than December 31,  
22 2011, the Committee shall report all findings concerning the  
23 implementation and establishment of the Illinois Health  
24 Benefits Exchange to the executive and legislative branches.

1 The Committee study shall also include recommendations  
2 concerning prospective action on behalf of the General Assembly  
3 as it relates to the establishment of the Exchange in 2011,  
4 2012, 2013, and 2014.

5 Section 25. Federal action. This Act shall be null and  
6 void if Congress and the President take action to repeal or  
7 replace, or both, Section 1311 of the Affordable Care Act.

8 (20 ILCS 4045/Act rep.)

9 Section 30. The Health Care Justice Act is repealed.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.